

REMARKS

Rejections

Rejections under 35 U.S.C. § 103

Claims 1-76 and 78-96

Claims 1-76 and 78-96 stand rejected under 35 U.S.C. § 103(a) as being obvious over Waibel et al (U.S. Patent 5,712,957). Applicant respectfully submits that the Examiner has failed to state a *prima facie* case of obviousness for the invention claimed in claims 1-76 and 78-96.

Waibel discloses receiving a stream of speech utterances into a speech recognition engine 14. The speech recognition engine 14 outputs an n-best list of possible words corresponding to the utterances for use by a correction and repair module 12.

The Examiner is equating Waibel's generation of the n-best list from the received speech utterances to Applicant's claimed generation of hypotheses for lost/damaged data within a received bitstream of encoded image data. To support the single reference § 103 rejection, the Examiner asserts that it would be obvious to apply the speech recognition error processing disclosed by Waibel to image data because "a bitstream is still data whether image data or speech data."

Applicant respectfully but strongly disagrees with the Examiner's assertion that Waibel's disclosure can be applied to both speech and image data. Analog data, such as speech data, is well-known in the art as requiring different processing methodologies than digital data, such as image data. Because the Examiner appears to be asserting Official Notice that such processing is interchangeable, Applicant respectfully requests the Examiner provide references in the next Office Action that support his position.

When taken alone, Waibel cannot render obvious Applicant's invention as claimed in claims 1-76 and 78-69. The speech utterances received in Waibel cannot be properly interpreted as a received bitstream of encoded image data because Waibel neither teaches or suggests that the speech utterances contain encoded image data, nor that such encoded image data could be processed by speech recognition engine 14. Moreover, the speech utterances received in Waibel cannot be properly interpreted as a bitstream. As generally accepted in the data processing arts, a bitstream is inherently a stream of digital data and

speech utterances are inherently analog data. Waibel itself teaches that the speech recognition engine 14 receives analog speech data because the utterances are depicted as wave patterns and because of the suggested use of a Hidden Markov Model (HMM) speech recognizer for the engine 14. As well known in the speech recognition art, HMM speech recognizers operate in conjunction with analog, not digital, data. Therefore, Waibel cannot be properly interpreted as teaching or suggesting the generation of hypotheses for lost/damaged within a received bitstream of encoded image data as claimed by Applicant.

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 1-76 and 78-69 is not rendered obvious by Waibel, and respectfully request the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

SUMMARY

Claims 1-76 and 78-69 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

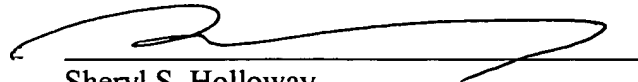
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: DEC. 5, 2003



Sheryl S. Holloway
Attorney for Applicant
Registration No. 37,850

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-3476